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02C 75, 2067

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Office of Legislative  
Counsel  
CIA

General Counsel  
NSA

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TYPE

1

None

Memo dtd 22 Aug 75 to [redacted]  
from [redacted] with two  
inclosures - Ltr dtd 7 Nov 73,  
Serial N1237 with 1 Incl (4 pages)  
and Ltr dtd 6 Dec 66, Serial 1638  
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NSA review(s) completed.

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GENERAL COUNSEL NSA

22 August 1975

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MEMORANDUM FOR [REDACTED]  
OFFICE OF LEGISLATIVE COUNSEL, CENTRAL  
INTELLIGENCE AGENCY

In accordance with our telephone conversation today, I am inclosing documents which set forth the basis for NSA's use of the polygraph to obtain certain kinds of information.



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General Counsel

1. Ltr dtd 7 Nov 73, Serial N1237 with 1 incl (4 pages)
2. Ltr dtd 6 Dec 66, Serial N1638 1 page

DECLASSIFY UPON  
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Serial: N1237  
7 November 1973

MEMORANDUM FOR THE DEPUTY COMPTROLLER FOR AUDIT REPORTS,  
CASD, COMPTROLLER (AUDIT)

SUBJECT: GAO Letter, dated 5 October 1973, "House Foreign Operations and Government Information Subcommittee, House Government Operations Committee, request for information on the Use by Federal Agencies of Polygraphs and Psychological Stress Evaluators and of Telephone Monitoring and Other Surveillance Practices" (Code 964011)

1. In reply to your memorandum of 10 October 1973 the attached material is furnished to answer, with respect to the National Security Agency, the request by the House Foreign Operations and Government Information Subcommittee for information regarding the use of polygraphs and other types of equipment.

2. This memorandum may be declassified upon removal of the classified attachment.

/s/

Assistant Director  
for  
Personnel and Security

Incl:  
a/s

cc: DIR	M
D/DIR	M09
DC/CSS	M5
L3	M53
Reading File	D4
NCR DEF	N03

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M09/59012/6 Nov 73/cjs

1. (U) Does your agency possess or make use of polygraphs or psychological stress evaluator detection devices? (If major subordinate organizations within your agency engage in such activity, please list all those organizations.)

(U) The Office of Security is the only subordinate organization within the NSA which possesses and uses polygraphs. The polygraph is used as an aid in determining the eligibility of persons for employment and/or access to sensitive cryptologic information. Use of the polygraph is also authorized, after specific requirements have been met, in the conduct of counterintelligence and personnel security investigations which cannot be completed through normal investigative means.

(C) The Agency does not use psychological stress evaluator detection devices in its personnel security program. Two of these instruments have, however, been purchased by the NSA Research and Development organization to determine if the basic principle governing their operation can be applied to the signals intelligence mission of the Agency.

2. (U) How many polygraph and psychological stress evaluator detection devices are the property of your agency? Your response should show separate data for each of these two categories of devices, if available.

(U) NSA currently has 14 polygraph instruments and two psychological stress evaluators.

a (U) Please list the total acquisition cost of all such devices.

(U) The total acquisition cost of all polygraph instruments was \$24,645. One Voice Stress Analyzer and one Psychological Stress Evaluator were purchased for \$2300 and \$1700, respectively.

b (U) Please estimate the total annual maintenance costs of such devices and indicate whether maintenance is performed by agency personnel or by outside sources.

(U) Estimated annual maintenance costs for FY 1973 were \$1500 including parts and labor. NSA technical personnel perform all maintenance.

c (U) If your agency leases such devices, or contracts with other public or private agencies to perform such tests, please provide the total cost for such activity during fiscal 1973.

Classified by CISSA (ISAM 123-2)  
Exempt From GDS, EO 11652, Cat. 2  
Date Cannot Be Determined

NSA does not lease polygraph devices nor does it contract with public or private agencies to perform polygraph examinations.

(d) Please estimate all additional expenses attributable to such testing, such as travel expenses for examiners to and from location of tests, internal and external training programs, and all other costs for fiscal 1973.

The costs of training and travel during FY 1973 were \$3844 and \$6522, respectively.

(e) Do you have on loan to or loan from other Federal agencies or any other sources any polygraphs or psychological stress evaluator detection devices? If yes, give the number of such devices and identify the agencies or sources.

No.

3. Please provide two copies each of all intra-agency directives, administrative orders, rules, regulations, and/or instructions governing the use of such devices within your agency.

Inclosed are two copies of NSA Regulation 122-3, "The Conduct of Polygraph Examinations and the Selection, Training, and Supervision of NSA Polygraph Examiners" dated 7 January 1966, which governs the polygraph program within the NSA.

4. Briefly explain your agency's general procedures governing the use of both categories of devices and answer the following specific questions. (Please explain procedures and indicate if they are covered by regulation in connection with each question. If more than one major subordinate within the Agency is affected, provide separate responses for each.)

The extreme urgency and sensitivity of the mission of NSA requires that the most careful appraisal be given to persons who are to have access to its sensitive information. To assure the soundest possible judgment with respect to an individual's eligibility for employment and access, a number of procedures have been established. A successful background investigation is required as a matter of law. The interview of an applicant with the aid of a polygraph is but one tool for the collection of data upon which a finding may be made with respect to the eligibility of an individual for employment and access. The purpose in interviewing the applicant is to obtain information not readily available from sources other than the person examined in certain areas of crucial counterintelligence significance such as espionage, subversion, and the compromise

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of classified information. A second purpose is to clarify and elaborate on executed security investigation forms and to develop information which may serve as investigative leads to assure the completeness of the background investigation.

Prior to interview each applicant is informed of his protections against self-incrimination and that the polygraph examination will be conducted only with his prior written consent. In addition, the applicant is informed that no information developed during the interview will be released outside the Federal Government except as may be required by due process of law. Further, the applicant is informed that the area in which the interview is to be conducted contains a two-way mirror whereby the examinee can be observed without his knowledge and that the examination may be recorded in order to permit close supervision of examinations.

(a) For what specific purposes are these devices used (i.e., employment interviews, security clearance processing, suspected improper conduct of duties, medical measurements, or other purposes). List in order of most frequent use.

All polygraph examinations are administered in connection with personnel security programs involving the eligibility of the examinee for access to sensitive cryptologic information or to places where such information is produced, processed or stored. Examinations are administered to the following classes of persons in order of most frequent use:

1. Applicants for employment.
2. Employees of contractors whose duties will require access to NSA spaces and/or its classified information and operations.
3. Persons involved in counterintelligence or personnel security investigations meeting the criteria set forth in Section IV, NSA Regulation 122-3.

(b) Are the devices used in every instance involving those purposes listed in answer to (a) above?

No. As a general rule military personnel whose clearances are controlled by their parent service are not polygraphed. There are other persons in the above categories who are not polygraphed, such as employees of contractors whose clearances are controlled by another member of the United States Intelligence Board, personnel being employed under the Youth Opportunity Program and some consultants and experts.

(c) What weight is given the data resulting from tests by these devices or by refusal to take such tests in relation to other types of investigative information:

Substantive information developed during polygraph examinations is given the same weight as substantive information developed from any other investigative source. No adverse action is taken based upon unexplained physiological reactions during a polygraph examination or upon unwillingness to volunteer for a polygraph examination. Applicants are forewarned that a polygraph examination is one of the NSA conditions of employment. Applicants who decline a polygraph examination are not employed.

(d) Who makes the initial determination to use such devices, and is this initial determination subject to review by higher authority in each case?

The Director, NSA has delegated the authority to the Director of Security, NSA, to polygraph applicants for employment; employees of contractors requiring access to NSA spaces or its classified information or operations; and persons assigned to unusually sensitive projects. Written approval of the Director of Security, or higher authority, is required in each case for the conduct of examinations in connection with counterintelligence and personnel security investigations. (See Section IV, NSA Regulation 122-3.)

(e) Is the physical and mental condition of each person to be tested considered to determine suitability to take such a test?

Yes. Polygraph interviews are not given to persons who are not in sound physical or mental condition. Should the examiner have any doubt as to the physical or mental fitness of the examinee, the matter will be referred to the Director of the Medical Center for appropriate action.

(f) What disposition is made of data derived from such tests given to persons connected with your agency (i.e., retained in affected individuals' personnel files, retained separately, entered into a computerized information system data bank, made available to other government agencies, etc.).

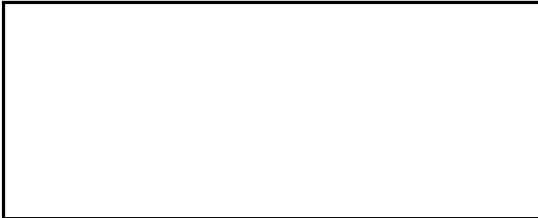
Section V, paragraph 7, NSA Regulation 122-3, provides for the disposition of polygraph information. Polygraph data is strictly controlled within the NSA. The data is filed in the individual's security file. No polygraph data is contained in Official Personnel Folders. Polygraph data in the security file is removed prior to granting access to U.S. Government investigators who may be authorized to review NSA investigative files. No polygraph data is entered into computerized system data banks.

(g) Are the findings of such tests made available to the subjects of such tests?

Serial

8 DEC 1966

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In the absence of the Director, NSA, I am replying to your letter of 25 November 1966 commenting on a newspaper article on the conduct of polygraph interviews by this Agency.

The National Security Agency is required to apply special employment criteria because all of its employees are exposed to, or have access to, uniquely sensitive information affecting the national security. In recognition of this fact, the Congress has established by law a personnel security standard covering employment with the Agency and access to the Agency's sensitive information. For these reasons, the most careful appraisal is given each applicant for employment. The selection and clearance process of the Agency involves a considerable number of steps and utilizes a variety of procedures and techniques including an examination of the applicant's professional qualifications and mental attributes, a polygraph interview conducted by a security specialist, a medical examination, and a background investigation. The purpose of the polygraph interview conducted by a security specialist is to obtain information, not readily available from sources other than the person examined, in certain definite areas of crucial counterintelligence significance such as espionage, subversion, and the compromise of classified information. National Security Agency regulations specifically prohibit polygraph interview questions directed toward the probing of a person's thoughts or beliefs, or questions about conduct which have no security implications, or are not directly relevant to a background investigation.

In your letter you express concern about the moral qualifications of our security specialists who conduct interviews with the aid of a polygraph. The Agency's minimum qualifications for persons conducting interviews with the aid of a polygraph are: at least 25 years of age; a degree from an accredited college, plus two years of investigative experience; or two years of college, plus five years of military or civilian experience as an investigator; successful screening on the basis of a background investigation, including a polygraph investigation and a psychological assessment,